

Remarks

1. Summary of Office Action

Claims 1 and 9 were rejected under 35 U.S.C. 103(a) as being unpatentable over Sherman et al. (U.S. 2003/0229582 "Sherman"). Claims 11 and 12 were rejected under 35 U.S.C. 103(a) as being obvious in view of the combination of Sherman in view of Official Notice. Claims 2 and 3 were rejected as being obvious in view of the combination of Sherman and Lent (U.S. 6,324,524) and Official Notice. Claims 4, 8 and 10 were rejected as being unpatentable over Sherman and Lent. Finally, Claims 1-12 were rejected on the ground of nonstatutory obviousness-type double patent as being unpatentable of copending Application No. 11/648,514. This is a provisional rejection.

2. Status of Application

The pending claims of the application have been rejected (final). All original claims 1-10 are pending with additional claims 11 and 12, which were newly added in a previous response.

3. Response to Rejection of the Claims

a) The Examiner is thanked for the courteous and helpful interview of October 28, 2008. In the interview, a claim proposal was discussed and the Examiner agreed that the proposal would overcome the current art rejection. The claims presented herein have the agreed claim amendment.

b) The claims have been amended according to the above proposal.

c) Claims 1-12 were provisionally rejected as being unpatentable over the pending claims of U.S. Application No. 11/648,514. When claims are allowed, this rejection will be addressed.

4. Conclusion

Applicant respectfully requests reconsideration.

Respectfully submitted,

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